THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8632 of 2007

Dated:24.04.2007

Between:

Akula Venkatesh and another.

... Petitioner

AND

The Tahasildar and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8632 of 2007

ORDER:

The father of the petitioners was statedly assigned land admeasuring Ac.1.65 cents in Survey No.83/3 situated at Melupatla Village of Punganur Mandal in Chittoor District. The assignee was a landless poor person, as alleged. After death of their father, the petitioners succeeded to the land. The first respondent passed the impugned order bearing No.Roc.B/97/2007, dated 13.04.2007, for resumption of the land as per Condition No.17 of the D-Form patta granted to the petitioners' father. The petitioners were also informed that the land is being resumed as per the orders of the Government in G.O.Ms.No.1307, dated 23.12.1993. Aggrieved by the same, the present Writ Petition is filed.

Learned Counsel for the petitioners raised three submissions. First, he points out that the Mandal Revenue Officer has no authority to resume the land under D-Form Patta or the relevant Board Standing Order (BSO). Secondly, it is the submission that the impugned order is very vague and the public purpose for which the land is being resumed is not assigned. Lastly, he submits that there are thousands of acres of Government land or alternative land available in the Village for the public purpose, and ignoring those lands, the land of the petitioners cannot be resumed. The Writ Petition is opposed by the learned Assistant Government Pleader placing reliance on Condition No.17 and also the decision of the Larger Bench of seven learned Judges of this Court in **Land Acquisition Officer-cum-Revenue Divisional**

Officer v. Mekala Pandu[1].

A perusal of the record available would show that the Mandal Revenue Officer issued the show cause notice to the petitioners on 07.04.2007. The petitioners submitted explanation. After considering the same, the first respondent came to the conclusion that the objection is not valid, and passed the impugned order. Insofar as the procedure adopted by the Mandal Revenue Officer is concerned, the same is fair and is in accordance with law. A perusal of Condition No.17 in D-Form Patta would show that "in the event of assigned land if required for a project or any other public purpose, the land will be resumed and no compensation will be paid to the assignee". Therefore, while resuming the land for Public purpose or for a purpose of Project, there is no legal requirement for the revenue authority to specify the public purpose. The patta was granted to the father of the petitioners by the Tahasildar, and therefore, the submission that the Mandal Revenue Officer is not competent to resume the land is baseless. Even if alternative land is available, the same does not bar or preclude the Mandal Revenue Officer from resuming the land. Further, the petitioners have not given any details of the availability of the alternative land, except making vague allegations. Therefore, this Court does not find any infirmity in the impugned order. However, before parting with the case, this Court observes that as held by the Larger Bench of this Court in **Mekala Pandu** (supra), "assignees of Government lands are entitled to payment of compensation equivalent to full market value of the land and other benefits on par with full owners of land 'in case of resumption of land'". Therefore, the petitioners are also entitled for full compensation as per ratio in **Mekala Pandu** (supra), subject to the judgment of the Supreme Court in the Civil Appeal filed against **Mekala Pandu** (supra).

Lastly, if the petitioners avail the remedy of appeal before the Revenue Divisional Officer under BSO 15(12)(3)(iii) read with BSO 15(15) of the Board of Revenue Standing Orders, the appellate authority may consider the appeal without in any manner influenced by the observations made hereinabove, which are made only for purpose of disposal of this case.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

24.04.2007

Note: Issue C.C in one week.

B/o.

vs

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[1] 2004 (2) ALT 546 (LB) = 2004 (2) ALD 451 (LB)